

EXHIBIT 1

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT

CIVIL ACTION NO.: 2085CV00072

JOYCE C. MARQUES, and
LEONARDO M. AMARAL

Plaintiff

v.

K SAN TRUCKING, LLC, and
ABDIKARIM A. MOHAMED

Defendants

RECEIVED

JAN 17 2020

CLERK OF COURTS
WORCESTER COUNTY

COMPLAINT and JURY TRIAL DEMAND

Plaintiff in the above-captioned matter hereby provides the complaint pursuant to Mass.R.Civ.P. 15(a).

PARTIES

1. The Plaintiff, Joyce C. Marques ("Joyce"), is an individual currently residing at 42 Palisades Street, Worcester, Worcester County, Massachusetts, together with her husband Leonardo M. Amaral. The Plaintiff Joyce is a house cleaner.
2. The Plaintiff, Leonardo M. Amaral ("Leonardo"), is an currently residing at 42 Palisades Street, Worcester, Worcester County, Massachusetts, together with his wife Joyce C. Marques. The Plaintiff Leonardo is a construction worker.
3. The Defendant, K San Trucking, LLC ("K San Trucking") is on information and belief is an Ohio Corporation, which has a principal place of business at 3314 Morse Road, Suite 207, Columbus, Ohio.

4. The Defendant, Abdikarim A. Mohamed, is an individual who is on information and belief resides at 3260 Valley Ln S, Columbus, Ohio.

COUNT I

Negligence

(Joyce C. Marques v. K San Trucking, LLC)

5. The Plaintiffs re-alleges and re-affirms the preceding paragraphs of this Complaint and incorporates same herein.
6. At all relevant times including February 6, 2017, Plaintiff Joyce C. Marques was the owner/operator of an automobile, a 2005 Nissan minivan, traveling in the right lane on Route 290 West, a public way, through the city of Worcester, Massachusetts, approximately ¼ mile West of the exit 21 in slow afternoon traffic at or about 1:00 PM.
7. At all relevant times including February 6, 2017, Defendant K San Trucking, LLC, was the owner of the motor vehicle, a 10,000 lbs, 53 feet tractor-trailer carrying refrigerated goods, operated by its employee Abdikarim A. Mohamed on Route 290, Worcester, Massachusetts. The Defendant K San Trucking, LLC's tractor-trailer was being operated in an unsafe manner when it slammed into the Plaintiff's vehicle's rear-end. The initial impact of this collision caused the Plaintiff to be thrown to the rear section of her vehicle as the entire tractor-trailer's cabin got unhinged collapsing on the top of the Plaintiff's vehicle's rear section crushing it down and totaling it as the result. After the collision, the

operator of the K San Trucking, LLC's tractor-trailer, Abdikarim A. Mohamed, was issued Citation R8245687 for failure to maintain control of his vehicle.

8. The Defendants K San Trucking, LLC and Abdikarim A. Mohamed owed a duty of care to Plaintiff under the circumstances then existing to ensure the tuck-trailer owned by K San Trucking, LLC was being operated in a safe and careful manner.
9. The Defendants K San Trucking, LLC and Abdikarim A. Mohamed did breach said duty of care to Plaintiff by allowing its vehicle to be operated in a negligent and careless manner.
10. As a direct and proximate cause of the negligent and careless actions of the Defendants K San Trucking, LLC and Abdikarim A. Mohamed, the Plaintiff Joyce C. Marques has been caused to suffer, and continues to suffer severe and permanent injuries including but not limited to, lumbar facet arthropathy, cervical radiculopathy, cervical thoracic scoliosis, cervical facet arthropathy, hypertrophic arthropathy, tinnitus of the left year and loss of hearing, and vertigo, requiring extensive medical care. The Plaintiff Joyce C. Marques has suffered great pain of body and mind, and has been cased to incur substantial medical expenses for her care, loss of earning capacity, loss of enjoyment of many significant aspects of living, among other damages, and other medical and psychological damages not yet completely known. These loses are continuing in nature and Plaintiff will continue to suffer from said losses in the future. She does not enjoy life as she did prior to the occurrence.

COUNT II

Negligence

(Joyce C. Marques v. Abdikarim A. Mohamed)

11. The Plaintiffs re-alleges and re-affirms the preceding paragraphs of this Complaint and incorporates same herein.
12. At all relevant times including February 6, 2017, Plaintiff Joyce C. Marques was the owner/operator of an automobile, a 2005 Nissan minivan, which was traveling in the right lane on Route 290 West, a public way, through the city of Worcester, Massachusetts, approximately ¼ mile West of the exit 21 in slow afternoon traffic at or about 1:00 PM.
13. At all relevant times including February 6, 2017, Defendant K San Trucking, LLC, was the owner of the motor vehicle, a 10,000 lbs, 53 feet long tractor-trailer carrying refrigerated goods, operated by its employee Abdikarim A. Mohamed on Route 290, Worcester, Massachusetts. The Defendant K San Trucking, LLC's tractor-trailer was being operated in an unsafe manner when it slammed into the rear-end of Plaintiff's vehicle. The collision's initial impact caused the Plaintiff to be thrown to the back of her vehicle and the entire tractor-trailer's cabin get unhinged collapsing on the top of the Plaintiff's vehicle's rear section crushing it down and totaling it as the result. After the collision, the operator of the K San Trucking, LLC's tractor-trailer, Abdikarim A. Mohamed, was issued Citation R8245687 for failure to maintain control of his vehicle.

14. The Defendants K San Trucking, LLC and Abdikarim A. Mohamed owed a duty of care to Plaintiff under the circumstances then existing to ensure the tuck-trailer owned by K San Trucking, LLC was being operated in a safe and careful manner.
15. The Defendants K San Trucking, LLC and Abdikarim A. Mohamed did breach said duty of care to Plaintiff by allowing its vehicle to be operated in a negligent and careless manner.
16. As a direct and proximate cause of the negligent and careless actions of the Defendants K San Trucking, LLC and Abdikarim A. Mohamed, the Plaintiff Joyce C. Marques has been caused to suffer, and continues to suffer severe and permanent injuries including but not limited to, lumbar facet arthropathy, cervical radiculopathy, cervical thoracic scoliosis, cervical facet arthropathy, hypertrophic arthropathy, and tinnitus of the left year and loss of hearing, requiring extensive medical care. The Plaintiff Joyce C. Marques has suffered great pain of body and mind, and has been caused to incur substantial medical expenses for her care, loss of earning capacity, loss of enjoyment of many significant aspects of living, among other damages, and other medical and psychological damages not yet completely known. These losses are continuing in nature and Plaintiff will continue to suffer from said losses in the future. She does not enjoy life as she did prior to the occurrence.

COUNT III

Negligent Emotional Distress

(Joyce C. Marques v. K San Trucking, LLC)

17. The Plaintiffs re-alleges and re-affirms the preceding paragraphs of this Complaint and incorporates same herein.
18. The Defendant K San Trucking, LLC owed a duty of care to Plaintiff under the circumstances then existing to pay due attention to operation of his vehicle and the road's traffic conditions.
19. The Defendant K San Trucking, LLC breached its duty of care to Plaintiff by not paying due attention to operation of his vehicle and the road's traffic conditions.
20. As a direct and proximate result of the Defendant's actions Plaintiff suffered mental anguish, anxiety, fright, loss of sleep, and emotional turmoil all as a consequence of Defendant's actions.
21. The Defendant knew or should have known of the danger that as the result of Defendant's actions Plaintiff would suffer from emotional distress.
22. A reasonable person would have suffered emotional distress under the above circumstances.
23. As a direct and proximate result of the Defendant's careless actions Plaintiff suffered injuries and damages set forth in Paragraph 9.

COUNT IV

Negligent Emotional Distress

(Joyce C. Marques v. Abdikarim A. Mohamed)

24. The Plaintiffs re-alleges and re-affirms the preceding paragraphs of this Complaint and incorporates same herein.

25. The Defendant Abdikarim A. Mohamed owed a duty of care to Plaintiff under the circumstances then existing to pay due attention to operation of his vehicle and the road's traffic conditions.
26. The Defendant Abdikarim A. Mohamed breached its duty of care to Plaintiff by not paying due attention to operation of his vehicle and the road's traffic conditions.
27. As a direct and proximate result of the Defendant's actions Plaintiff suffered mental anguish, anxiety, fright, loss of sleep, and emotional turmoil all as a consequence of Defendant's actions.
28. The Defendant knew or should have known of the danger that as the result of Defendant's actions Plaintiff would suffer from emotional distress.
29. A reasonable person would have suffered emotional distress under the above circumstances.
30. As a direct and proximate result of the Defendant's careless actions Plaintiff suffered injuries and damages set forth in Paragraph 9.

COUNT V

Loss of Consortium

(Leonardo M. Amaral v. K San Trucking, LLC)

31. The Plaintiffs re-alleges and re-affirms the preceding paragraphs of this Complaint and incorporates same herein.
32. That as the result of the of the negligence of the Defendant, K San Trucking, LLC, the Plaintiff, Leonardo M. Amaral, as Husband of Joyce C. Marques, suffered a loss of society and companionship with wife.

COUNT VI

Loss of Consortium

(Leonardo M. Amaral v. Abdikarim A. Mohamed)

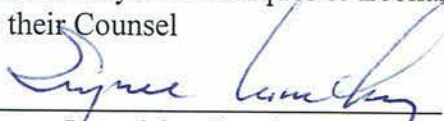
33. The Plaintiffs re-alleges and re-affirms the preceding paragraphs of this Complaint and incorporates same herein.
34. That as the result of the of the negligence of the Defendant, Abdikarim A. Mohamed, LLC, the Plaintiff, Leonardo M. Amaral, as Husband of Joyce C. Marques, suffered a loss of society and companionship with wife.
- Plaintiffs reserve their right to file additional counts.

RELIEF REQUESTED

WHEREFORE, the Plaintiff Joyce C. Marques requests judgment against the Defendants on all the counts herein and all such other and further relief as the Honorable Court deems just and proper.

JURY TRIAL DEMANDED ON ALL ISSUES SO TRIABLE

Respectfully Submitted,
Plaintiffs Joyce C. Marques & Leonardo M. Amaral
By their Counsel



Eugene Lumelsky, Esquire
153 Worthington Avenue
Shrewsbury, MA 01545
(508) 798-5757 – Telephone
(508) 753-5063 – Facsimile
BBO No. 658375

Date: January 17, 2020



CIVIL ACTION COVER SHEET

DOCKET NUMBER

Trial Court of Massachusetts
The Superior Court

PLAINTIFF(S): JOYCE C. MARQUES & LEONARDO M. AMARAL

ADDRESS: 42 Palisades Street, Worcester, MA 01604

COUNTY

Worcester

DEFENDANT(S): K SAN TRUCKING, LLC

ABDIKARIM A. MOHAMED

ATTORNEY: Eugene Lumelsky

ADDRESS: 153 Worthington Avenue, Shrewsbury, MA 01545

ADDRESS: 3314 Morse Road, Suite 207, Columbus, Ohio

3260 Valley Ln S, Columbus, Ohio

BBO: 658375

TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)

CODE NO.

B03

TYPE OF ACTION (specify)

Motor Vehicle Negligence - PI/Property Damage

TRACK

F

HAS A JURY CLAIM BEEN MADE?

☒ YES☐ NO

*If "Other" please describe:

STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A

The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

(attach additional sheets as necessary)

A. Documented medical expenses to date:

1. Total hospital expenses	\$	_____
2. Total doctor expenses	\$	_____
3. Total chiropractic expenses	\$	_____
4. Total physical therapy expenses	\$	_____
5. Total other expenses (describe below)	\$	_____
Subtotal (A):	\$	31,748.00

B. Documented lost wages and compensation to date	\$	75,000.00
C. Documented property damages to dated	\$	_____
D. Reasonably anticipated future medical and hospital expenses	\$	_____
E. Reasonably anticipated lost wages	\$	_____
F. Other documented items of damages (describe below)	\$	_____

G. Briefly describe plaintiff's injury, including the nature and extent of injury:

Plaintiffs alleges the Defendant failed to observe traffic which led to collision causing Plaintiff's injuries, lost wages, and pain and suffering.

TOTAL (A-F):\$ 106,748.00

CONTRACT CLAIMS

(attach additional sheets as necessary)

Provide a detailed description of claims(s):

TOTAL: \$ _____

Signature of Attorney/Pro Se Plaintiff: X

Date: Jan 17, 2020

RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.

CERTIFICATION PURSUANT TO SJC RULE 1:18

I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.

Signature of Attorney of Record: X

Date: Jan 17, 2020

Exhibit 1

Summons	CIVIL DOCKET NO. 2085CV00072	Trial Court of Massachusetts The Superior Court
CASE NAME: JOYCE C. MARQUES, AND LEONARDO M. AMARAL <div style="text-align: right; font-size: small;">Plaintiff(s)</div> <div style="text-align: center;">vs.</div> K SAN TRUCKING LLC, AND ABDIKARIM A. MOHAMED <div style="text-align: right; font-size: small;">Defendant(s)</div>		<div style="text-align: right; font-size: small;">Clerk of Courts County</div> COURT NAME & ADDRESS: WORCESTER SUPERIOR COURT 225 MAIN STREET WORCESTER, MA 01608

THIS SUMMONS IS DIRECTED TO **K SAN TRUCKING LLC** (Defendant's name)

You are being sued. The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the _____ Court.

YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.

1. You must respond to this lawsuit in writing within 20 days.

If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. If you need more time to respond, you may request an extension of time in writing from the Court.

2. How to Respond.

To respond to this lawsuit, you must file a written to response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:

- a) Filing your **signed original** response with the Clerk's Office for Civil Business, _____ Court
(address), by mail or in person **AND**
- b) Delivering or mailing a copy of your response to the Plaintiff's Attorney/Plaintiff at the following address:

3. What to Include in Your Response.

An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as **counterclaims**) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must **specifically** request a jury trial in your court no more than 10 days after sending your Answer.

3 (cont). You can also respond to a Complaint by filing a "Motion to Dismiss," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under **Mass. R. Civ. P. 12**. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at:

www.mass.gov/courts/case-legal-res/rules_of_court

4. Legal Assistance.

You may wish to get legal help from a lawyer. If you cannot get legal help, some basic information for people who represent themselves is available at www.mass.gov/courts/selfhelp.

5. Required Information on All Filings:

The "civil docket number" appearing at the top of this notice is the case number assigned to this case and must appear on the front of your Answer or Motion to Dismiss. You should refer to yourself as the "Defendant."

Witness Hon. Judith Fabrikant Chief Justice on _____, 20 _____. (Seal)

Clerk-Magistrate [Signature]

Note: The number assigned to the Complaint by the Clerk-Magistrate at the beginning of the lawsuit should be indicated on the summons before it is served on the Defendant.

PROOF OF SERVICE OF PROCESS

I hereby certify that on _____, I served a copy of this summons, together with a copy of the complaint in this action, on the defendant named in this summons, in the following manner (See Mass. R. Civ. P. 4(d)(1-5)):

Dated: _____

Signature: _____

N.B. TO PROCESS SERVER:

PLEASE ENTER THE DATE THAT YOU MADE SERVICE ON THE DEFENDANT IN THIS BOX - BOTH ON THE ORIGINAL SUMMONS AND ON THE COPY OF THE SUMMONS SERVED ON THE DEFENDANT.

Date:

Summons	CIVIL DOCKET NO. 2085CV00072	Trial Court of Massachusetts The Superior Court
CASE NAME: JOYCE C. MARQUES, AND LEONARDO M. AMARAL <div style="text-align: right; margin-right: 50px;">Plaintiff(s)</div> vs. K SUN TRUCKING LLC, AND ABDIKARIM A. MOHAMED <div style="text-align: right; margin-right: 50px;">Defendant(s)</div>		<div style="text-align: right; margin-bottom: 10px;">Clerk of Courts County</div> <hr/> COURT NAME & ADDRESS: WORCESTER SUPERIOR COURT 225 MAIN STREET WORCESTER, MA 01608

THIS SUMMONS IS DIRECTED TO ABDIKARIM A. MOHAMED (Defendant's name)

You are being sued. The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the _____ Court.

YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.

1. You must respond to this lawsuit in writing within 20 days.

If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. **If you need more time to respond, you may request an extension of time in writing from the Court.**

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- a) Filing your **signed original** response with the Clerk's Office for Civil Business, _____ Court
(address), by mail or in person **AND**
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An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as **counterclaims**) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must **specifically** request a jury trial in your court no more than 10 days after sending your Answer.

3 (cont). You can also respond to a Complaint by filing a "Motion to Dismiss," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under **Mass. R. Civ. P. 12**. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at:

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Witness Hon. Judith Fabrikant Chief Justice on _____, 20 _____. (Seal)
 Clerk-Magistrate [Signature]

Note: The number assigned to the Complaint by the Clerk-Magistrate at the beginning of the lawsuit should be indicated on the summons before it is served on the Defendant.

PROOF OF SERVICE OF PROCESS

I hereby certify that on _____ I served a copy of this summons, together with a copy of the complaint in this action, on the defendant named in this summons, in the following manner (See Mass. R. Civ. P. 4(d)(1-5)):


Dated: _____

Signature: _____

N.B. TO PROCESS SERVER:

PLEASE ENTER THE DATE THAT YOU MADE SERVICE ON THE DEFENDANT IN THIS BOX - BOTH ON THE ORIGINAL SUMMONS AND ON THE COPY OF THE SUMMONS SERVED ON THE DEFENDANT.

Date:

CIVIL TRACKING ORDER (STANDING ORDER 1- 88)	DOCKET NUMBER 2085CV00072	Trial Court of Massachusetts The Superior Court	
CASE NAME: Marques, Joyce C. et al vs. K San Trucking, LLC et al		Dennis P. McManus, Clerk of Courts	
TO: Eugene Lumelsky, Esq. Law Offices of Eugene Lumelsky 153 Worthington Ave Shrewsbury, MA 01545		COURT NAME & ADDRESS Worcester County Superior Court 225 Main Street Worcester, MA 01608	

TRACKING ORDER - F - Fast Track

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

STAGES OF LITIGATION**DEADLINE**

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		04/16/2020	
Response to the complaint filed (also see MRCP 12)		05/18/2020	
All motions under MRCP 12, 19, and 20	05/18/2020	06/15/2020	07/15/2020
All motions under MRCP 15	05/18/2020	06/15/2020	07/15/2020
All discovery requests and depositions served and non-expert depositions completed	11/12/2020		
All motions under MRCP 56	12/14/2020	01/11/2021	
Final pre-trial conference held and/or firm trial date set			05/11/2021
Case shall be resolved and judgment shall issue by			01/17/2022

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to

DATE ISSUED 01/17/2020	ASSISTANT CLERK Gail Dempsey	PHONE (508)831-2364
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